



U.S. Department
of Transportation

Memorandum

**National Highway
Traffic Safety
Administration**

Subject: Petition for Import Eligibility of
2001 Ducati 900 Motorcycles

From: *Coleman Sachs*
Coleman Sachs
Office of Vehicle Safety Compliance

To: Docket Management

Date: SEP 20 2004

Please place the attached petition for a decision that 2001 Ducati 900 Motorcycles are eligible for importation in Docket No. NHTSA-2004-19120. - /

Attachment

#

2004 SEP 20 10:12 AM
NHTSA

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration

Docket No. NHTSA-2004-19120
Notice of Receipt of Petition for Decision that
Nonconforming 2001 Ducati 900 Motorcycles
Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that
nonconforming 2001 Ducati 900 motorcycles are eligible for
importation.

SUMMARY: This document announces receipt by the National
Highway Traffic Safety Administration (NHTSA) of a petition for
a decision that 2001 Ducati 900 motorcycles that were not
originally manufactured to comply with all applicable Federal
motor vehicle safety standards are eligible for importation into
the United States because (1) they are substantially similar to
vehicles that were originally manufactured for sale in the
United States and that were certified by their manufacturer as
complying with the safety standards, and (2) they are capable of
being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is 30 days
after publication in the Federal Register.

ADDRESS: Comments should refer to the docket number and notice
number, and be submitted to: Docket Management, Room PL -401,
400 Seventh St., SW, Washington, DC 20590. [Docket hours are
from 9 am to 5 pm.] Anyone is able to search the electronic
form of all comments received into any of our dockets by the

name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. § 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with

NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register

J.K. Technologies of Baltimore, Maryland ("JK") (Registered Importer 90-006) has petitioned NHTSA to decide whether non-U.S. certified 2001 Ducati 900 motorcycles are eligible for importation into the United States. The vehicles that JK believes are substantially similar are 2001 Ducati 900 motorcycles that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it compared non-U.S. certified 2001 Ducati 900 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

JK submitted information with its petition intended to demonstrate that non-U.S. certified 2001 Ducati 900 motorcycles as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2001 Ducati 900 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 Brake Hoses, 111 Rearview Mirrors, 116 Brake Fluid, 119 New Pneumatic Tires for Vehicles other than Passenger Cars, 120 Tire Selection and Rims for Vehicles other than Passenger Cars, 122 Motorcycle Brake Systems, and 205 Glazing Materials.

The petitioner further contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated below:

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: installation of U.S.-model front and rear reflex reflectors.

Standard No. 123 Motorcycle Controls and Displays: installation of U.S.-model speedometer and left commutator.


The petitioner also states that a certification label must be affixed to the motorcycle to comply with the requirements of 49 CFR Part 567.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on:



Claude H. Harris
Director, Office of Vehicle
Safety Compliance

Billing Code: 4910-59-P

J.K. Technologies, LLC.
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Registered Importer RI-90-006

Petition for Import Eligibility Determination

IAW 49 CFR 593.5 (A) (1)

August 10, 2004

Administrator
O.V.S.C.
National Highway Traffic Safety Administration
Room 6111
400 7th Street, SW
Washington DC, 20590
Attn.: NEF-32 Import Eligibility

Dear Mr. George Stevens,

The following is the basis for this petition:

Part 593.6-(a) (1)

The vehicle for which a determination is sought is a 2001 Ducati 900. We have examined the recall campaigns and we have found that there were no listings for these vehicles. All vehicle reports will have a recall campaign search included with them at the time of submission.

Part 593.6-(a) (2)

The vehicle, which is substantially similar to the petition vehicle, is the US version.

Part 593.6-(a) (3)

The vehicle, which we believe to be substantially similar, is manufactured for sale in the USA and it was certified to meet all applicable Federal Motor Vehicle Safety Standards ("FMVSS") in effect at the time of manufacture. The non-conforming model was not listed on the accepted DOT list in 55 CFR 219, pp219, 47418ff, or the updates that have been published. The differences between the USA model and the non-certified model are very minor and have been outlined in this petition.

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Part 593.6-(a) (4)

Since a USA companion model exists, we seek your determination that our petition vehicle is substantially similar to the USA model and therefore is eligible for importation and modification in the "substantially similar" category. We have examined the printed text from the dealers both in the USA and in Europe and we have compared the parts list from Europe and the USA. We have determined both what differences exist and what parts will be necessary to bring our non-conforming model into compliance with all applicable FMVSS in effect at the time of manufacture.

These differences and the changes necessary, have been outlined in the following examination of each applicable FMVSS.

Part 593.6-(a) (5)

The following outline will show that our non-conforming vehicle was originally manufactured to the FMVSS in many areas in the same manner as its U.S. companion model, many of the concerned parts have the same parts numbers as the USA model. In all areas that have to be modified the parts will be supplied by the OEM manufacturer. The modifications to this vehicle do not concern the basic structure; only easily removable and available parts.

This motorcycle meets all applicable FMVSS standards except as follows:

FMVSS 108

The front and rear reflectors must be changed to meet this FMVSS.

FMVSS 123

The speedometer and left commutator must be changed to meet this FMVSS.

A certification label must also be added.

These are the only safety modifications necessary to bring this motorcycle into compliance.

Thank you for your attention,

J.K. Technologies, L.L.C.

By: Jonathan Weisheit, President